

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOUTHRIDGE PARTNERS, L.P.,

Plaintiff,

Docket No. 07 CV 10626 (LAP)(MHD)

NOTICE OF MOTION

-against-

ANGELA DU, ERNEST CHEUNG,
BRYAN ELLIS and JOHN GAETZ,

Defendants.
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TO: David A. Lackowitz, Esq.
GERSTEN SAVAGE LLP
600 Lexington Avenue, 9th Floor
New York, New York 10022

PLEASE TAKE NOTICE that upon the annexed Affirmation of Kenneth E. Citron, dated April 9, 2008, the Exhibit annexed thereto, the accompanying Memorandum of Law in Support of the Motion of Defendants Angela Du, Ernest Cheung and John Gaetz to Dismiss the Complaint, and all the pleadings and papers had herein, Defendants Angela Du, Ernest Cheung and John Gaetz (the "Defendants") will move this Court, before Hon. Loretta A. Preska, United States District Judge, for an Order:

- (i) Dismissing those claims of Plaintiff Southridge Partners, L.P. (the "Plaintiff") which are predicated on allegations that the corporate veil should be pierced to impose liability upon Defendants, individually, for a judgment obtained by Plaintiff against China Mobility Systems, Inc. ("CMS" or the "Corporation"), a public corporation in which each Defendant was, during the relevant period, an officer and director, on the grounds that pursuant to Federal Rules of Civil Procedure ("Fed. R. Civ. P.") 12(b)(6) Plaintiff has failed to state a claim for

which such relief may be granted;

- (ii) Dismissing the claims made by Plaintiff for alleged acts of fraudulent inducement and fraud perpetrated against it by Defendants, on grounds that pursuant to *Fed. R. Civ. P. 9(b)* Plaintiff has: (a) engaged in prohibited "group pleading;" and (b) failed to plead these claims with the requisite particularity; and
- (iii) For such other and further relief and the Court may deem just and proper, including but not limited to the award of all attorney's fees, costs and expenses incurred by Defendants in connection with this action.

PLEASE TAKE FURTHER NOTICE, that pursuant to Rule 6.1(b)(2) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, opposing affidavits and answering memoranda, if any, are to be served upon the undersigned within ten (10) business days after service of the moving papers herein.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
April 9, 2008

Respectfully submitted,

SNOW BECKER KRAUSS P.C.
Attorneys for Defendants Angela Du, Ernest
Cheung and John Gaetz

By: 
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